MONTANA LEGISLATIVE HISTORY

Chapter 553 19 77

Bill H _____ S 225 Original bill & history ✓ C

H. Committee on Natural Resources			S. Committee on Local Government		
Hearing Date(s)	Mar 09	✓ C	Hearing Date(s)	Jan 31	✓ C
	Apr 06	✓ C		Feb 04	✓ C
		C			C
		C			C
Date Out	Apr 06	✓ C		Feb 04	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Senate BILL NO. 225

INTRODUCED BY Story Devaney Manley Regan Boylan Van Valkenburg Thiel Thomas Healy

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 11-3867 AND 11-3876, R.C.M. 1947, TO ALLOW OFFERS AND CONTRACTS FOR SALE OR LEASE BEFORE A FINAL SUBDIVISION PLAT IS FILED OF RECORD."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-3867, R.C.M. 1947, is amended to read as follows:

"11-3867. Filing of subdivision plat with county recorder -- review of final subdivision plats and certificates of survey by examining land surveyor. (1) The governing body may require that final subdivision plats and certificates of survey be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the county clerk and recorder. When the survey data shown on the plat or certificate of survey meet the conditions set forth by or pursuant to this act, the examining land surveyor shall so certify in a printed or stamped certificate on the plat or certificate of survey; such certificate shall be signed by him.

No land surveyor shall act as an examining land surveyor in regard to a plat or certificate of survey in which he has a financial or personal interest.

(2) The governing body shall examine every final subdivision plat and shall approve it when, and only when, it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this act and regulations adopted pursuant thereto. The clerk and recorder of the county shall refuse to accept any plat for record that fails to have such approval in proper form.

(3) Every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be ~~sold or~~ transferred in any manner ~~or offered for sale or transfer~~. If illegal transfers ~~or offers of any manner~~ are made, the county attorney shall commence action to enjoin further ~~sales,~~ transfers, ~~or offers of sale or transfer~~ and compel compliance with all provisions of this act. The cost of such action shall be imposed against the person transferring ~~or offering to transfer~~ the property."

Section 2. Section 11-3876, R.C.M. 1947, is amended to read as follows:

"11-3876. Violation -- misdemeanor. Any person who violates any provision of this act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars ($100) or more than five hundred dollars ($500) or

by imprisonment in a county jail for not more than three (3) months, or by both fine and imprisonment. Each ~~sale~~ lease or transfer of title~~, or offer for sale, lease, or transfer~~ of each separate parcel of land in violation of any provision of this act or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense."

-End-

next in support and a copy of his testimony is exhibit 1.

ROBERT MILLER, Montana Homebuilders Association, spoke next in support. He said this bill would do away with what is a duplication of effort and the time lag caused could be costly. He said in five years an average house is expected to cost $78,000. He felt this bill would serve the best interests of the public.

FRED BELL, Stevensville, representing self, signed as supporting, exhibit 2.

BOB KIESLING, EIC, signed as opposing and a copy of his testimony is exhibit 3.

During questions Rep. Hurwitz asked if the terrible increase in price was the result of the comprehensive planning. Rep. Scully said not at all--lots of reasons for land prices to be going up. There is more demand than supply--people coming from the East where they are used to higher land costs and are willing to pay the higher prices.

Rep. Bengtson asked if there would be any assurance that prices would go down. Mr. Wilson responded that doing away with the duplication of effort could save 30 to 60 days and this would be a savings that would be passed on. Senator Story said he would like to speak on the effect planning has on cost. He said they are in favor of planning. He said they are not trying to do anything that would destroy the platting act. He said only to the extent that the platting act has provisions in it that are unnecessarily onerous, which provisions he said have two distinct effects--delay in planning which ups the price a bit; and the selling of 20 acre plots so that only one house is on the 20 acres when it could have been many more. This reduces the amount of land, and so the price goes up.

Rep. Hurwitz asked if he was making an arguement against the 20 acre plot. Sen. Story said that's true. He said we want people to have homes and to have agriculture land stay as agriculture land. He said we want orderly development with good services for the homes. But he said this is an area not covered by the bill.

Rep. Harper questioned how carefully the master planning was done. Sen. Story said only about four areas would be covered by the bill--Billings, Bozeman, Great Falls and maybe Helena--for it they don't have a master plan the bill doesn't apply. Jim Richards of the DCA also spoke to this. He said 70 cities have some form of master plan but they wouldn't all be covered as zoning and a capital improvements program are prerequisites.

SB 225 SENATOR STORY said this bill does nothing more than make honest men and women out of all of us in this room. Under current law, it is a crime to make contracts or offer on land which has not been finally platted. This bill allows us and our fellow Montanans to make such contracts and offers and still affords the necessary protection to Mr. Public. He passed out copies of a suggested amendment to protect the purchaser. This is exhibit 4.

REP. JOHN SCULLY, District 77, said the law as written went beyond the purpose for which it was created--which was to prevent fraud. He said

any moneys received must be escrowed and he felt this bill would help prevent fraud abuses of the subdivision law.

JOE GERBASE, Montana Association of Realtors, said he has had to break the law this bill applies to as it is the only way that many will sell. He supported the bill.

PETE JACKSON, WETA, supported the bill.

CHARLES FRICKE, Florence, representing self, said all moneys from all sellers need to go into a trust account or escrow account to protect the buyers.

PAUL BRUNNER spoke in support. He said he was enthused with the bill as one can use small tracts to test the market to see if a larger subdivision would go.

ROBERT MILLER, Montana Homebuilder's Association, spoke in support.

ROD WILSON, Billings Chamber of Commerce, spoke in support and a copy of his testimony is exhibit 5.

FRED BELL, Stevensville, representing self, signed as supporting.

JIM RICHARDS, DCA, signed as an amender. He said he could foresee some real problems even with the amendment. One of the problems is pressure on the planning board from people already building. He said it had a positive purpose but would need a little tightening up and he would be glad to help.

DENIS W. VOGT, Lewis and Clark APO, signed as an amender and opponent. He suggested the proposed bill be amended to allow transfer of property only after approval by the local government.

PAUL BOLTON, Montana Association of Planners, signed as an opponent. A copy of his testimony is exhibit 6.

BOB KIESLING, EIC, signed as opposing and a copy of his testimony is exhibit 7.

Sen. Story said this applies only to a written contract--the purchasers of the plats would be on notice that the preliminary assessment has not been done yet--all money given would be in escrow. He encouraged the subcommittee to work out any technical problems.

During questions it was mentioned that contracts for deed need not be recorded.

SBs 226 and 227 REP. JOHN SCULLY said SB 226 deals with sanitary restrictions. If a subdivision is within a city with no question of water and sewer service being ample, it will be unnecessary to go through the Department of Health to be released. He presented a list of amendments which he said had been drawn up with Steve Brown's assistance, exhibit 8, and the Montana Association of Realtors.

Rep. Harper moved as amended be concurred in. Rep. Curtiss made a substitute motion of do not concur as amended. She said the language in the bill is strong and will require strict control of local licensing. Rep. Frates said we must remember that it is the public health we are protecting with these bills. Question was called and the motion failed with 9 no, 6 yes (Burnett, Cox, Curtiss, Davis, Ernst, Hurwitz), 2 absent (Hirsch, Huennekens). Action was then taken on the motion to concur as amended and this motion carried with the vote being reversed.

Rep. Kessler moved that the committee reconsider its action on SB 175. The motion failed 7 to 7. The 7 nos were Cox, Curtiss, Davis, Ernst, Burnett, Bengtson, Nathe; and the 3 absent were Hirsch, Quilici and Huennekens.

Rep. Hurwitz moved to reconsider the committee's action on SB 200. He said every community has a sanitarian and his job is to see that these conditions are met. This motion also failed on a similar 7 to 7 tie.

SENATE BILL 195

Rep. Harper, chairman of the subdivision subcommittee, said a summary sheet on all the subdivision bills had been prepared and passed to the committee (a copy is exhibit 3 of the minutes). He said amendments being presented on the different bills were agreed on by the Department of Community Affairs and the realtors. He said some were quite technical and the subcommittee had to rely on the expertise in these groups. He said the amendments tie up some of the loopholes. He said the subcommittee of five (Hurwitz, Metcalf, Ernst, Hirsch, Harper) had agreed unanimously on the amendments for the bills.

Rep. Harper moved the amendments for SB 195 (exhibit 4 of the minutes) be adopted and the bill as so amended be concurred in. Motion carried unanimously with those present (absent Hirsch, Huennekens, Quilici).

SENATE BILL 224

Rep. Harper said this would ensure legitimate exemptions are not taken away. He went through the subcommittee's suggested amendments (exhibit 5 of the minutes). Rep. Harper moved the bill as so amended be concurred in. Motion passed unanimously with those present (same absent).

SENATE BILL 225

Rep. Harper said this insures that land can't be sold until the preliminary plat is approved and the sale can't be completed until the final plat is approved. He said this allows the developer time to begin to sell the land (any money goes into escrow in the bank and the bank holds it until the plat is approved or for two years--if the plat is not approved in two years the money goes back to the purchasers. Rep. Harper moved the subcommittee's amendments, exhibit 6, and the bill as so amended be concurred in. Motion carried unanimously with the same absent.

compatible to one another. He would like to see better controls. Jane Lopp, Flathead County Areawide Planning Organization, stated a Master Plan does not have regulation and review in the current law. In conforming to a Master Plan, no subdivision would be reviewed in Flathead County. Francis Van Rinsun, Flathead Conservation District, Fire District and School District 5, opposed Senate Bill 224 stating there should be some kind of law to protect the people who buy units in subdivisions. Kenneth L. Siderius, Eastside Planning Unit, opposed Senate Bill 224. He stated a Master Plan is just a recommendation. Lex Blood, Flathead County Planning Board, opposed Senate Bill 224. Mr. Blood stated the law should provide for public input. Denis Vogt, Lewis & Clark Areawide Planning Organization, testified against Senate Bill 224 (attached).

CONSIDERATION OF SENATE BILL 225: Senator Story, sponsor of Senate Bill 225, asked Joe Gerbase, Montana Association of Realtors, to present the bill. Mr. Gerbase gave a brief resume of Senate Bill 225 and submitted an amendment (attached). Sonny Hanson, Montana Technical Council; Robert Miller, Montana Home Builders Association; and Denis Vogt, Lewis & Clark Areawide Planning Organization; testified in favor of Senate Bill 225.

Opponents were Herb Koenig, Flathead Conservation District; Lex Blood, Flathead County Planning Board; and Jane Lopp, Flathead County Areawide Planning Organization.

Senator Thiessen moved the (attached) amendment to Senate Bill 225. Senator Dunkle seconded the motion. Motion carried.

ADJOURN: The meeting adjourned at 11:25 A.M. with the next meeting to be 9:30 A.M. Wednesday, February 2, 1977 to consider Senate Bills 199 and 232.

George McCallum

Senator George McCallum, Chairman

SENATE LOCAL GOVERNMENT COMMITTEE

BILL _____ VISITORS' REGISTER DATE _____

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPO
Darlene Grove	League of Women Voters	SB 224 225		X X
Mike Foster	Intern			
G.R. SWART	SG REC. LANDS SURVEYORS	H 224	✓	
[illegible]	Lewis & Clark AD			✓
CLIFF CHRISTIAN	MT ASSN of REALTORS	224 225	✓	
Joe Gerbase	MT ASSN of REALTORS	224 225	✓	
BOB MILLER	MONT. HOMEBUILDERS ASSN	225 224	✓	
Jim Hahn	Pvt. Land Surveyor	224	✓	
Kenneth L. Siderius	Chairman - Planning Unit	225 224		X
LEX BLOOD	Flathead City - Planning Board			✓
Mark Kor[illegible]	Flathead Conservation Dist	224 225		✓
Dennis Van Buskirk	" " "	224 225		✓
Gary Lopp	Flat. County Planning Organization	224 225		✓
Glen Drake	League Cities & Towns	224 225		
[illegible]	[illegible]			
Dave Manzanares	St Comm on Local Govt			

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Amend S.B. 225 by deleting all material beginning on Page 2, Line 9 and ending on Page 2, Line 18. Insert the following:

(3) Every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner or offered for sale or transfer. If illegal transfers or offers of any manner are made, the county attorney shall commence action to enjoin further sales, transfers, or offers of sale or transfer and compel compliance with all the provisions of this act. The cost of such action shall be imposed against the person transferring or offering to transfer the property.

(4) Contracts or offers for sale of land prior to the filing of a final subdivision plat of record with the county clerk and recorder shall be legal and are exempt from the provisions of paragraph (3), if the contract or offer for sale is in writing and contains the following language conspicuously set out therein: 'The real property which is the subject hereof has not been finally platted and until a final plat has been filed with the county clerk and recorder, title cannot be transferred in any manner."

Amend S.B. 225 by deleting on Page 3, Lines 2 and 3 and substituting therein the following:

months, or by both fine and imprisonment. Each sale, lease or transfer, or offer for sale, lease, or transfer

NAME: Neil Kenney DATE: Jan 31, 1977

ADDRESS: 430 Clark Drive

PHONE: 752-1134

REPRESENTING WHOM? Lotkal Conservation Dist.

APPEARING ON WHICH PROPOSAL: HB 224 & SB 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: Present Bill is working well in our area. These new Bill Certainly would have some bad Long Range — less protection for Owners — Could really cut up agriculture more. — the general outline is not the solution.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Jane Lopp DATE: 1/30/77

ADDRESS: 215 Rosewood Drive, Kalispell

PHONE:

REPRESENTING WHOM? Flathead County Areawide Planning Organization

APPEARING ON WHICH PROPOSAL: SB224 - 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Do not pass. - existing subdivision & Platting statutes are working very well.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Francis Van Pinnen DATE: 1/30/77

ADDRESS: 545 Somers Rd, Somers Mont

PHONE: 857-3777

REPRESENTING WHOM? Flathead Conservation dist, Fire Dist, Schools Dist

APPEARING ON WHICH PROPOSAL: 224-225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: Like to see it left alone.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Kenneth L. Siderius DATE: Jan 31, 97

ADDRESS: 1020 Middle Road, Columbia Falls, MT

PHONE: 752-1496

REPRESENTING WHOM? Private group (Eastside Planning Unit) Flathead

APPEARING ON WHICH PROPOSAL: SB. 224 + 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: Current laws are fine.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: LEY BLOOD DATE: Jan 31, 197

ADDRESS: 880 Blackmer Lane, Col. Falls, MT 5901

PHONE: 755-2018

REPRESENTING WHOM? Flathead County Planning Board.

APPEARING ON WHICH PROPOSAL: 224, 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Present laws are working well and bring about citizen input on issues of local concern. The new bills would greatly reduce input

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Senator Watt moved Senate Bill 227 be give a "Do Pass" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

Senator Story presented amendments to Senate Bill 224 (attached). Senator Peterson moved to adopt the amendments to Senate Bill 224. Senator Dunkle seconded the motion. Motion carried unanimously. Senator Thomas moved Senate Bill 224 be give "And As So Amended, Do Pass" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

Senator Dunkle moved to adopt amendments (attached) to Senate Bill 225. Senator Thiessen seconded the motion. Motion carried unanimously. Senator Dunkle moved Senate Bill 225 be give an "And As So Amended, Do Pass" recommendation. Senator Thomas seconded the motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 10:30 with the next meeting to be Monday, February 7, 1977 to hear Senate Bill 198 and Senate Bill 267.

George McCallum

Senator George McCallum, Chairman

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(4) Contracts or offers for sale of land prior to the filing of a final subdivision plat of record with the county clerk and recorder shall be legal and are exempt from the provisions of paragraph (3), if the contract or offer for sale is in writing and contains the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted and until a final plat has been filed with the county clerk and recorder, title cannot be transferred in any manner."

Amend S.B. 225 by deleting on Page 3, Lines 2 and 3 and substituting therein the following:

months, or by both fine and imprisonment. Each sale, lease or transfer, or offer for sale, lease, or transfer

Uniform Commercial Code

STANDING COMMITTEE REPORT

February 4 19 77

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 225

Respectfully report as follows: That Senate Bill No. 225

introduced bill, be amended as follows:

1. Amend page 2, section 1, line 11.
Following: "be"
Insert: "sold or"

2. Amend page 2, section 1, line 12:
Following: line 11
Insert: "or offered for sale or transfer."

3. Amend page 2, section 1, line 12.
Following: "transfers"
Insert: "or"

4. Amend page 2, section 1, line 13.
Following: line 12
Insert: "offers of any manner"

5. Amend page 2, section 1, line 14.
Following: "further"
~~DELETE~~
Insert: "sales,"

Chairman.

STATE PUB. CO.
Helena, Mont.

February 4, 1977

6. Amend page 2, section 1, lines 14 and 15.
Following: "transfers"
Insert: ", or offers of sale or transfer"

7. Amend page 2, section 1, lines 17 and 18.
Following: "transferring"
Insert: "or offering to transfer"

8. Amend page 2, section 1.
Following: line 18
Insert: "(4) Contracts or offers for sale of land prior to the filing of a final subdivision plat of record with the county clerk and recorder shall be legal and are exempt from the provisions of subsection (3), if the contract or offer for sale is in writing and contains the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted and until a final plat has been filed with the county clerk and recorder, title cannot be transferred in any manner."

9. Amend page 3, section 2, line 2.
Following: "Each"
Insert: "sale,"

10. Amend page 3, section 2, line 3.
Following: "transfer"
Strike: "of title,"
Insert: "or offer for sale, lease, or transfer"

AND AS SO AMENDED, DO PASS

Senator George McCallum, Chairman

SENATE BILL NO. 225

INTRODUCED BY STORY, DEVINE, MANLEY, PETERSON, DOVER, BOYLAN, LOWE, LOCKREM, GALT, FLYNN, HEALY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 11-3867 AND 11-3876, R.C.M. 1947, TO ALLOW ~~OFFERS AND~~ CONTRACTS FOR SALE ~~OR LEASE~~ BEFORE A FINAL SUBDIVISION PLAT IS FILED OF RECORD."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-3867, R.C.M. 1947, is amended to read as follows:

"11-3867. Filing of subdivision plat with county recorder -- review of final subdivision plats and certificates of survey by examining land surveyor. (1) The governing body may require that final subdivision plats and certificates of survey be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the county clerk and recorder. When the survey data shown on the plat or certificate of survey meet the conditions set forth by or pursuant to this act, the examining land surveyor shall so certify in a printed or stamped certificate on the plat or certificate of survey; such certificate shall be signed by him.

No land surveyor shall act as an examining land surveyor in regard to a plat or certificate of survey in which he has a financial or personal interest.

(2) The governing body shall examine every final subdivision plat and shall approve it when, and only when, it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this act and regulations adopted pursuant thereto. The clerk and recorder of the county shall refuse to accept any plat for record that fails to have such approval in proper form.

(3) ~~Every~~ EXCEPT AS PROVIDED IN SUBSECTION (4), EVERY final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be ~~sold--or~~ SOLD OR transferred in any manner ~~or offered--for--sale--or--transfer~~ ~~OR--OFFERED--FOR--SALE--OR TRANSFER~~. If illegal transfers ~~or offers of any manner~~ ~~OR OFFERS~~ OF ANY MANNER are made, the county attorney shall commence action to enjoin further ~~sales,~~ SALES, OR transfers, ~~or offers of sale or transfer,~~ ~~OR OFFERS OF SALE OR TRANSFER~~ and compel compliance with all provisions of this act. The cost of such action shall be imposed against the person transferring ~~or offering to transfer~~ ~~OR OFFERING TO TRANSFER~~ the property.

~~(4) CONTRACTS OR OFFERS FOR SALE OF LAND PRIOR TO THE FILING OF A FINAL SUBDIVISION PLAT OF RECORD WITH THE COUNTY CLERK AND RECORDER SHALL BE LEGAL AND ARE EXEMPT FROM THE~~

REFERENCE BILL

~~PROVISIONS OF SUBSECTION (3), IF THE CONTRACT OR OFFER FOR SALE IS IN WRITING AND CONTAINS THE FOLLOWING LANGUAGE CONSPICUOUSLY SET OUT THEREIN: "THE REAL PROPERTY WHICH IS THE SUBJECT HEREOF HAS NOT BEEN FINALLY PLATTED AND UNTIL A FINAL PLAT HAS BEEN FILED WITH THE COUNTY CLERK AND RECORDER, TITLE CANNOT BE TRANSFERRED IN ANY MANNER."~~

(4) AFTER THE PRELIMINARY PLAT OF A SUBDIVISION HAS BEEN APPROVED OR CONDITIONALLY APPROVED THE SUBDIVIDER MAY ENTER INTO CONTRACTS TO SELL LOTS IN THE PROPOSED SUBDIVISION IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THAT UNDER THE TERMS OF THE CONTRACTS THE PURCHASERS OF LOTS IN THE PROPOSED SUBDIVISION MAKE ANY PAYMENTS TO AN ESCROW AGENT WHICH MUST BE A BANK OR SAVINGS AND LOAN ASSOCIATION CHARTERED TO DO BUSINESS IN THE STATE OF MONTANA.

(B) THAT UNDER THE TERMS OF THE CONTRACTS AND THE ESCROW AGREEMENT THE PAYMENTS MADE BY PURCHASERS OF LOTS IN THE PROPOSED SUBDIVISION MAY NOT BE DISTRIBUTED BY THE ESCROW AGENT TO THE SUBDIVIDER UNTIL THE FINAL PLAT OF THE SUBDIVISION IS FILED WITH THE COUNTY CLERK AND RECORDER.

(C) THAT THE CONTRACTS AND THE ESCROW AGREEMENT PROVIDE THAT IF THE FINAL PLAT OF THE PROPOSED SUBDIVISION IS NOT FILED WITH THE COUNTY CLERK AND RECORDER WITHIN TWO YEARS OF THE PRELIMINARY PLAT APPROVAL, THE ESCROW AGENT SHALL IMMEDIATELY REFUND TO EACH PURCHASER ANY PAYMENTS HE

HAS MADE UNDER THE CONTRACT. AND

(D) THAT THE CONTRACTS CONTAIN THE FOLLOWING LANGUAGE CONSPICUOUSLY SET OUT THEREIN: "THE REAL PROPERTY WHICH IS THE SUBJECT HEREOF HAS NOT BEEN FINALLY PLATTED, AND UNTIL A FINAL PLAT IDENTIFYING THE PROPERTY HAS BEEN FILED WITH THE COUNTY CLERK AND RECORDER, TITLE TO THE PROPERTY CANNOT BE TRANSFERRED IN ANY MANNER."

Section 2. Section 11-3876, R.C.M. 1947, is amended to read as follows:

"11-3876. Violation -- misdemeanor. Any person who violates any provision of this act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars ($100) or more than five hundred dollars ($500) or by imprisonment in a county jail for not more than three (3) months, or by both fine and imprisonment. Each ~~sale,~~ SALE, lease or transfer ~~of title, or offer for sale, lease, or transfer, OR OFFER FOR SALE, LEASE, OR TRANSFER~~ of each separate parcel of land in violation of any provision of this act or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense."

-End-